## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS Dallas Division

CHARLENE CARTER,

Plaintiff,

V.

SOUTHWEST AIRLINES CO., AND
TRANSPORT WORKERS UNION OF AMERICA,
LOCAL 556,

Defendants.

Civil Case No. 3:17-cv-02278-X

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Civil Case No. 3:17-cv-02278-X

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Defendants.

## SOUTHWEST AIRLINES CO.'S <u>UNOPPOSED</u> MOTION TO EXTEND THE DEADLINE TO RESPOND TO PLAINTIFF'S MOTION TO COMPEL AND TO FILE CORRECTED MOTION

Southwest Airlines Co. ("Southwest") respectfully files this <u>unopposed</u> motion requesting an extension of the deadline for Southwest to respond to Charlene Carter's ("Plaintiff") motion to compel (dkt. no. 173) to **Monday, October 11, 2021**. Additionally, in accordance with the Court's order (dkt. no. 184), Southwest files this unopposed request to file a corrected motion for summary judgment. In support of this motion, Southwest states as follows:

- 1. On September 8, 2021, Plaintiff Charlene Carter filed her Second Motion to Compel Discovery from Southwest. Dkt. No. 173. The current deadline for Southwest to respond to Carter's motion to compel is September 29, 2021.
- 2. Counsel for Southwest has had numerous urgent deadlines in the last several weeks. Additionally, counsel has had additional personal responsibilities because his significant other tested positive for COVID-19 in September and was thus required to quarantine.

- 3. Counsel for Southwest conferred with Matthew Gilliam, counsel for Carter, by phone on September 28, 2021 regarding Southwest's deadline to oppose Carter' motion to compel. Carter's counsel stated that he does not oppose the extension requested herein.
- 4. Granting this motion will not create undue delay or otherwise interfere with other Court deadlines.
- 5. On September 2, 2021, Southwest moved for summary judgment and/or partial summary judgment. Dkt. No. 166. In its supporting brief, Southwest stated the grounds for its motion for summary judgment and/or partial summary judgment and the legal standards applicable thereto as required by Local Rule 56.3(a).
- 6. To avoid ambiguity and ensure compliance with Local Rule 56.3(a)(1)-(2), Southwest submitted a supplement to its motion setting forth the elements of the relevant claims and defenses. Dkt. No. 180. However, Southwest did not change the substantive grounds for its motion for summary judgment and/or partial summary judgment.
- 7. On September 15, 2021, the Court issued an order stating that if Southwest "wishes to add" to its motion, it should seek leave to amend. Dkt. No. 184.
- 8. As set forth above, by submitting the supplemental motion, Southwest did not intend to change the substantive grounds for its motion for summary judgment and/or summary adjudication.
- 9. On September 17, 2021, counsel for Southwest conferred with Matthew Gilliam regarding leave to file a supplemental motion consistent with its prior submission (*see* dkt. no. 180). On September 19, 2021, counsel for Southwest conferred with Adam Greenfield, counsel for Local 556, regarding leave to file the supplemental motion. Counsel for Carter and Local 556 indicated that they do not oppose Southwest's request for leave to file the supplemental motion.

Therefore, based on the above, Southwest requests that:

(a) the deadline for Southwest to respond to Carter's pending motion to compel (dkt.

173) shall be October 11, 2021; and

(b) Southwest be granted leave to file the supplemental motion.

Dated: September 28, 2021 Respectfully submitted,

/s/ Brian K. Morris

Paulo B. McKeeby

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ATTORNEYS FOR DEFENDANT SOUTHWEST AIRLINES CO.

**CERTIFICATE OF CONFERENCE** 

Southwest's counsel, Brian K. Morris, conferred with Carter's counsel, Matthew Gilliam, on September 17 and September 28; and with Local 556's counsel, Adam Greenfield, on September 19 regarding the requested relief. Counsel indicated that they do not oppose

Southwest's request.

/s/ Brian K. Morris

Brian K. Morris

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic mail on all parties on this 28th day of September, 2021.

/s/ Brian K. Morris
Brian K. Morris